

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BRINK’S GLOBAL SERVICES USA, INC.,)	
)	
Plaintiff,)	Case No.: 1:22-cv-06653-PGG
)	
v.)	
)	
BONITA PEARL INC., <i>et al.</i>)	
)	
)	
Defendants.)	

**BRINK’S GLOBAL SERVICES USA, INC.’S NOTICE OF MOTION TO DISMISS
DEFENDANTS’ NON-CONTRACT COUNTERCLAIMS
AND STRIKE IMPROPER DAMAGES**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Robert F. Redmond and exhibits thereto, and the accompanying Request for Judicial Notice, the undersigned hereby move this Court on behalf of Plaintiff Brink’s Global Services USA, Inc. (“Brink’s”), before the Honorable Paul G. Gardephe at the United States District Courthouse for the Southern District of New York, located at 40 Foley Square, New York, NY 10007, on a date and time to be determined by the Court, for an Order dismissing with prejudice the four non-contract counterclaims (in Dkt. 235) filed by Defendants Bonita Pearl Inc.; Forty-Seventh & Fifth, Inc.; Hawaiian Design Jewelry, Co.; Kimimoto Jewelry; Lam’s Jade Center, Inc.; Lee’s International Jewelry Inc.; Pan Lovely Jewelry; Petri Gems. Inc.; S & N Diamond Corp; Supreme Collection Corporation; Treasure Connection Fine Jewelry, Inc. (collectively, “Defendants”), pursuant to Fed. R. Civ. P. 8, 9(b) and 12(b)(6).

PLEASE TAKE FURTHER NOTICE that Brink's requests that the Court strike the portion of Defendants' prayer in their counterclaims for "punitive damages, interest, [and] fees" (Dkt. 235, p. 33) and Defendants' request for "lost profits" (Dkt. 235, p. 22, ¶ 27), pursuant to Fed. R. Civ. P. 12(f).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Rules of Practice of the Honorable Paul G. Gardephe: (1) Plaintiff shall electronically file its moving papers and reply papers when the entire motion has been briefed, (2) Defendants shall file any opposition papers only when noticed by Plaintiff that the motion and reply papers are being filed, and (3) the Parties shall provide chambers one courtesy copy of their respective submissions at the time they are electronically filed.

Dated: May 28, 2024

BRINK'S GLOBAL SERVICES USA, INC.

By counsel:

/s/ Robert F. Redmond

Robert F. Redmond (*admitted pro hac vice*)

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